



07 JUN 2007

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In re Application of	:	DECISION ON
Paolo Falcioni et al	:	
Application No.: 10/585,711	:	
Priority Date: 11 July 2005	:	PETITION UNDER
Attorney's Docket No.: 108041-19	:	
For: DEVICE FOR MONITORING	:	
AN ELECTRIC APPLIANCE	:	UNDER 37 CFR 1.182

This is in response to applicants' submission, "PETITION TO COMMISSIONER UNDER 37 C.F.R. 1.182," filed 10 July 2006. The petition requests the above referenced application be converted from a national stage application filed under 35 U.S.C. 371 to a national application filed under U.S.C. 111(a). The \$400.00 petition fee has been charged to Attorney's Docket No.: 03-1237.

BACKGROUND

On 11 July 2005, applicants filed European Patent Application EPO5425500.5.

On 10 July 2006, applicants filed a TRANSMITTAL LETTER (FORM PTO-1390) for entry into the national stage in the United States which was accompanied by, *inter alia*, a copy of the European application. However, no executed declaration or oath was submitted at such time.

On 19 January 2007, applicants filed a petition to convert the above national stage application filed under 37 USC 371 to an application filed under 35 USC 111(a).

DISCUSSION

Applicants state that this application was inadvertently filed along without deceptive intent using form PTO-1390, national stage transmittal letter. A review of the file reveals that 35 U.S.C. 371 was improper for this application because it is not based upon a PCT application, but rather upon a European patent application No. 05425500.5, with a filing date of 11 July 2005, and that there is no PCT number or international filing date to report. This application should not be treated as a national stage application under 35 U.S.C. 371. Accordingly, it would be appropriate to consider the conversion of the application to an application under 35 U.S.C. 111(a) at this time.

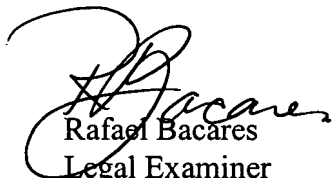
Applicant's petition to convert the application from a filing under 35 U.S.C. 371 to an application under 35 U.S.C. 111(a) can be granted. A certified copy of any priority document must be filed in order to obtain priority benefit under 35 U.S.C. 119.

Any period of adjustment to the term of a patent under 35 U.S.C. 154(b) (May 29, 2000) may be reduced by the period of time beginning on the filing date accorded under 35 U.S.C. 111 and ending on the mailing date of this decision. See 37 CFR 1.704(a).

CONCLUSION

The petition under 37 CFR 1.182 for reasons noted above is **GRANTED**. The 35 U.S.C. 111(a) filing date is **10 July 2006**.

This application is being forward to Office Initial Patent Examination(OIPE) for continued processing.



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